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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 97-002

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. Since the Note after s. HFS 125.04 (1) relates to the bracelet insert form, it is more appropriately placed after sub. (2).

b. The second sentence of s. HFS 125.05 (2) (d) should be written in the active voice. Also, the Note following that paragraph contains substantive material. It is suggested that the two sentences be combined in the text and begin: “Emergency health care personnel shall provide comfort care, including administration of oxygen,”

c. In s. HFS 125.05 (4), “If” should replace “In the event that.”

4. Adequacy of References to Related Statutes, Rules and Forms

The references to s. 227.24 (1) (c), Stats., and “in the official state newspaper” in the effective date section are wrong. The correct cite is s. 227.22 (2), Stats. [s. 1.02 (4) (a), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. HFS 125.03 (8) and (9), beginning quotation marks should be inserted before the words or terms being defined. These were inadvertently omitted.

b. Section HFS 125.05 (5) (b) refers to “local protocols” which shall determine the procedure for removing the patient from the emergency care setting. Is the term “local protocols” a term that is readily understood by persons reading the rule, or do these need to be further outlined to clarify what this term means?

c. Section HFS 125.05 (6) provides that “any person violating a do-not-resuscitate [DNR] order under this chapter or subch. III of ch. 154, Stats., shall be subject to the penalties set forth in that subchapter.” This provision is misleading. It appears to imply that not following a DNR order subjects the person to the specific penalties set forth in subch. III of ch. 154. However, an inspection of those penalties reveals that the penalties enumerated in s. 154.29, Stats., do not apply to noncompliance with a DNR order. The penalties apply to other types of situations, such as damaging a DNR bracelet, somehow concealing a revocation of a DNR order, or threatening a person to sign a DNR order. If the rule is going to refer to these specific penalties in subch. III of ch. 154, Stats., it should clarify what these penalties apply to. In addition, the rule should clarify the ramifications for noncompliance with a DNR order.